



## **Guest editorial - introduction to constructions of property: encompassing people, power and place**

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The Annual Socio-Legal Studies Association Conference<sup>1</sup> 2017 saw the launch of a new Property People Power and Place stream which I co-convene with my colleagues Professor Sarah Blandy and Dr Francis Sheridan King. This stream continues to attract papers that raise interesting debates around both the variety of contexts in which the law seeks to define, regulate, limit or conceptualise relationships to property, and key concepts of space, place and inclusivity. Discussions within the stream led to the idea for this Special Issue on Constructions of Property: Encompassing People, Power and Place. These papers collectively present a range of national and international perspectives which are relevant to both academics and practitioners. They focus on issues concerning: property guardianship, residential tenancies, land expropriation, human rights issues and registration of land. Reflecting how the adoption of different research approaches can be 'crucially important for understanding the role of property in society',<sup>2</sup> the authors collectively explore these topics through a range of different research approaches, including doctrinal, empirical and socio-legal.

Against a global backdrop that is characterised by profound technological changes and land-based, political conflicts, Dr Sarah Keenan raises important questions about land registration within a global context. In her review of Goymour and others' text: *New Perspectives on Land Registration: Contemporary problems and solutions*, Dr Keenan probes moves to establish legal title through registration rather than via possession, and examines the consequences of automating land registry systems.

Likewise recognising problems around property ownership and power bases, Dr Bonnie Holligan focuses on the recent Supreme Court decision in *R (on the application of Mott) v Environment Agency*<sup>3</sup> and the inherent conflict between rights to the protection of private property under the European Convention on Human Rights, and social and environmental obligations. Dr Holligan uses this case to raise broader debates, for example around the nature of values that are protected as human rights.

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<sup>1</sup> Socio-Legal Studies Association, 'Annual Conference' <[www.slsa.ac.uk/index.php/annual-conference](http://www.slsa.ac.uk/index.php/annual-conference)> accessed 30 June 2019.

<sup>2</sup> Susan Bright and Sarah Blandy (eds), *Researching Property Law* (Palgrave 2016) xviii.

<sup>3</sup> [2018] UKSC 10.

In a similar vein, Professor Ning Chai, Rob Stevens and Xiao Fang reveal inter-stakeholder tensions around property rights, this time in relation to land expropriation in China. Noting how processes of rapid urbanisation have led to the expropriation of land from rural farmers, their empirical study examines the impacts on local welfare. The paper advocates for political reform which would require governments to give more consideration to local farmers' welfare and improve the compensation system. In particular, they call for the introduction of national standards for compensation payments that would be implemented through locally-tailored systems. The paper also makes calls for further research into this area to identify other solutions to the considerable challenges faced.

The final two papers also focus on residential property issues but within the context of the United Kingdom. First, Dr Jed Meers and Professor Caroline Hunter investigate the emerging phenomenon of property guardianship through processes of content analysis. Their examination of advertisements on an online property search engine reveals issues around: advertisers' inclusion and exclusion of particular types of occupiers; wider contexts of occupation; underpinning legal agreements; and differences in approach by residential landlords, letting agents, student accommodation providers, and property guardian companies. Second, Dr Emily Walsh specifically considers the increasing popularity of the private rented sector, and evaluates whether government proposals to end no-fault evictions will result in more family-friendly tenancies. In this conceptual paper, Dr Walsh brings together theoretical frameworks around the concepts of home and family, the law relating to the private rented sector, and government plans to provide tenants with increased security of tenure. Noting the limitations of such legislative reform in enabling families to move into the private rented sector, she also makes calls for associated changes to address issues around affordability and accessibility.

Together, this collection of papers reveals insights into the complex web of issues that arises from the important role played by property, the significance of related rights, and the law's mechanisms for managing competing stakeholder interests in a variety of contexts.

Jill Dickinson

Guest Editor, Special Issue